

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**LABORERS' WELFARE FUND OF :
DELAWARE LOCAL NO. 199, et al. :
v. :
Plaintiffs, : **Civil Action No. 07-CV-0055 (GMS)**
DAVID W. TALLEY, GENERAL :
CONTRACTOR, LLC, :
v. :
Defendants. :**

**STIPULATION TO EXTEND TIME FOR
DEFENDANT TO RESPOND TO COMPLAINT**

AND NOW, this 21st day of February 2007, it is hereby stipulated and agreed between Plaintiffs' counsel and Defendant's counsel that Defendant shall have an additional 30 days -- until March 22, 2007 -- to answer or otherwise respond to Plaintiffs' Complaint. The extension agreed upon between the parties is not for the purpose of undue delay but for the purpose of allowing the parties additional time to continue negotiation of settlement of this matter (See Exhibit "A").

/s/ Timothy J. Snyder
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SO ORDERED this ____ day of _____, 2007.

The Honorable Gregory M. Sleet

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February 20, 2007

VIA TELEFAX (215) 299-2150 AND U. S. MAIL

Ryan Fleming, Esquire
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B26-199-129

**RE: Laborers Local 199 Benefit Funds of Delaware, Inc., *et al.* v.
David W. Talley General Contractor LLC.
Case No. 07-cv-0055
(U. S. District Court for the District of Delaware)**

Dear Mr. Fleming:

As your files will reflect, this office is co-counsel to the Plaintiffs, the Laborers Local 199 Benefit Funds of Delaware, Inc. ["Funds"], *et al.*, in the above matter.

This letter should serve as a follow-up to our recent telephone conversations in which I advised you that the above matter would be withdrawn if your client, the Defendant David W. Talley General Contractor LLC, ["DWT"] were to supply Haggerty & Haggerty, P. A., the accounting firm selected by the Funds to audit DWT's books and records for calendar years 2004 and 2005 with purchase orders and invoices for the time period in question. Once the audit is completed, of course, DWT will be provided the results thereof and the ability to challenge any findings made by Haggerty & Haggerty.

As you are no doubt aware, the Complaint also sought to compel the Defendant to "pay any monies determined due and owing" the Plaintiffs. Obviously, in the case of any dismissal of the Complaint, the Plaintiffs would insist on keeping open the ability to bring suit for monies that the audit determined would be owed that DWT refuses to pay.

MARKOWITZ & RICHMAN

February 20, 2007

Page Two

In the interim, I believe my Co-Counsel, Timothy Snyder, has been in contact with you about stipulating to an extension of time in which the Defendant could answer or otherwise respond to the Complaint, assuming we are unable to formalize a settlement. I would anticipate getting a stipulation of settlement to you by this Monday, February 26, 2007.

If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,



JONATHAN WALTERS

JW/lb

cc: Timothy Snyder, Esquire (via telefax)